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MICHAEL RODAK, JR., CLERK

No. 71-1049

In the Supreme Court of the United States

OCTOBER TERM, 1971

MERKLE C. ALTOM, PETITIONER

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

ERWIN N. GRISWOLD,
Solicitor General,
Department of Justice,
Washington, D. C. 20530.

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After a trial before the court in the United States District Court for the Southern District of Indiana, petitioner was convicted on one count of having stolen property of the United States and on three counts of having received, concealed and retained, with intent to convert to his own use, property of the United States, with knowledge that it had been stolen, in violation of 18 U.S.C. 641. He was sentenced to concurrent suspended prison terms of two years and

placed on probation for two years, and was also fined $1,500. The court of appeals affirmed (Pet. 1a-12a).

Petitioner's contentions—that the evidence was insufficient on all counts and that a search which produced the property which was the subject of one count exceeded the scope of the consent given—are fully answered in the opinion below.

It is therefore respectfully submitted that the petition for a writ of certiorari should be denied.

ERWIN N. GRISWOLD,
Solicitor General.

APRIL 1972.

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